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Microsoft opening up Windows a lot wider

By Benjamin J. Romano

Seattle Times technology reporter

Microsoft laid out a dozen competitive principles Wednesday governing Windows Vista and all future versions of its desktop operating-system software, the ubiquitous product that has been the subject of fierce antitrust battles for more than a decade.

General Counsel Brad Smith, addressing a Washington, D.C., audience Wednesday, said the principles are based on the sometimes difficult and painful lessons Microsoft has learned in bringing Windows into compliance with antitrust laws.

"As creators of an operating system used so widely around the world, we recognize that we have a special responsibility both to advance innovation and to help preserve competition in the information-technology industry," Smith said.

Broadly, he said, the company is committed to building and selling Windows so that:

- Non-Microsoft programs can be run in place of the operating system's features;
- Software developers can build products that compete directly with Microsoft's;
- Customers can easily exchange and use data across different systems.

Information

Windows Principles in their entirety:

<http://www.microsoft.com/presspass/newsoverview.aspx?appid=17>

Some observers viewed the pledge as an effort to burnish Microsoft's image amid an ongoing antitrust fight with European regulators who last week stung the company with a \$357 million penalty.

"These [principles] are no more than public-relations commitments. They carry no teeth," said Albert Foer, president of the American Antitrust Institute, a Washington, D.C.-based nonprofit advocating for more competition in the interest of consumers.

"They are not meant to be in place of the antitrust laws. ... Rather, they state in a general way pretty much what the antitrust laws would require," he said.

Foer, who was at Smith's presentation, commended the company for its step. But he added the real value will be determined by Microsoft's adherence to the principles over time.

Smith said eight of the 12 principles stem from Microsoft's obligations under a 2001 settlement in the landmark antitrust suit filed by the states and the U.S. Department of Justice.

Microsoft has said it intends to remain in compliance with that settlement, portions of which expire in 2007. In May, other provisions were extended until 2009.

The idea of articulating competitive principles around Windows has been percolating through some parts of

Microsoft for at least two years, Smith said in a phone interview after his speech.

Senior executives including Windows division Co-Presidents Jim Allchin and Kevin Johnson and Windows engineering head Steven Sinofsky worked on the project in detail the past several months, as did Chairman Bill Gates, Smith said.

With these principles, Microsoft has expanded its commitments beyond the scope of the 2001 settlement.

For example, the company was required to disclose the codes that allow a specific category of programs such as Windows Media Player and Internet Explorer to hook into Windows. This was meant to allow software developers to build competitive products.

Microsoft said Wednesday it will now disclose the application programming interfaces (APIs) that are used by any Microsoft program.

"The commitments with respect to APIs are very important and represent a marked change from the Microsoft of several years ago," said Andrew Jay Schwartzman, president and CEO of the Media Access Project, a nonprofit law firm focused on First Amendment issues relating to electronic media.

The principles also address new areas not part of the settlement.

Microsoft is designing Windows to "honor the principle of net neutrality," Smith said. That means it won't use the operating system to send traffic to its own Web properties, such as MSNBC.com, or levy fees on certain Internet traffic, as some telecommunications companies have proposed.

Foer said Microsoft's announcement appeared to be politically calibrated. "I would think that this is as directed toward Brussels as it is toward Washington [D.C.] because that's where their credibility itself is on the line," Foer said.

The European Union, headquartered in Brussels, has hit Microsoft with \$970 million in fines for violating its antitrust regulations. The total includes a \$357 million penalty levied last week for allegedly failing to comply with the original March 2004 order. The company is appealing.

Smith said he and his deputies spent part of Wednesday on the phone with regulators around the world. The company plans to refresh the document at least every three years.

"If we tried to claim that this was the one document that answered all questions for all time, some people, particularly overseas, might not be so receptive to this step," he said.

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Times staff reporter Alicia Mundy in Washington, D.C., contributed to this report.

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